

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.:

SOUTH BAY PROPERTIES LLC II,
Plaintiff,

v.

ELIZABETH OLTMAN, CAROL MCDONOUGH,
LISA RECHISKY, KATHY FAULK, MICHAEL
NOVARIA, DAVID GUERETTE, DANIEL
LOPEZ, and RALPH ARABIAN, as they are
Members of the Andover Zoning Board of Appeals,
and MEDICO 140 LLC,
Defendants.

**DEFENDANT MEDICO 140 LLC'S NOTICE OF REMOVAL OF ACTION
FROM STATE COURT**

Pursuant to 28 U.S.C. §1441(c) and 1446, the Defendant Medico 140 LLC hereby gives notice of removal of this action to the United States District Court for the District of Massachusetts. As grounds therefore, the Defendant states as follows:

1. On or about December 28, 2022 the Plaintiff filed this suit in the Commonwealth of Massachusetts Land Court, Civil Action No.: 22 MISC 000679.
2. On or after December 29, 2022, the Plaintiff's complaint was served upon the Defendant. Attached as Exhibit A is a copy of the Plaintiff's complaint.
3. This Court has original jurisdiction over this action because the Plaintiff brings claims challenging a reasonable accommodation granted to the Defendant under the American with Disabilities Act (42 U.S. Code § 12101 et seq.), the Fair Housing Act and/or the Rehabilitation Act. See Plaintiff's complaint at paragraphs 29, 30, 36 and 37.

4. Because this matter is an action arising under federal law of which this Court has original jurisdiction, as authorized by 28 U.S.C. §1331, it is subject to removal under 28 U.S.C. §1441(c).
5. This Notice of Removal is being filed within the time period required by law, 28 U.S.C. §1446(b).
6. Notice of this removal is being filed in State Court this day via US Mail.

Respectfully submitted,

Defendant,
By its attorneys,

/s/ Andrew J. Tine

Andrew J. Tine, BBO# 633639
18 Maple Avenue, Suite 267
Barrington, RI 02806
(617) 755-5770
atine@tinelaw.com

DATED: January 17, 2023

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and will therefore be sent electronically to the registered participants as identified on the Notice of Electric Filing (NEF) and paper copies will be sent to those participants indicated as non-registered participants.

/s/ Andrew J. Tine

DATED: January 17, 2023